

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MATHEW JOSEPH,

Plaintiff,

v.

Case No. 3:20-cv-1260-J-34PDB

JACKSONVILLE SHERIFF'S
OFFICE, RON DESANTIS,
MELISSA NELSON,

Defendants.

ORDER

Plaintiff Mathew Joseph, a detainee who is housed at the Community Transition Center in Jacksonville, Florida, initiated this action on October 15, 2020, by filing a Complaint in the Fourth Judicial Circuit Court in and for Duval County, Florida. See Doc. 1-2 at 1, Case No. 16-2020-CA-005889-XXXX-MA, Docket. In the Complaint (Doc. 3), Joseph names the following Defendants: (1) Jacksonville Sheriff's Office (JSO) Mike Williams; (2) Governor Ron DeSantis; and (3) State Attorney Melissa Nelson. Defendant JSO (City of Jacksonville) removed the case to this Court on November 5, 2020. See Notice of Removal (Doc. 1). Additionally, the City of Jacksonville (City) filed a Motion to Dismiss Complaint With Prejudice (Doc. 5) on November 12, 2020. The Court directed Joseph to respond to the Motion to Dismiss by January 15, 2021. See Order (Doc. 6).

Before the Court is the City's Unopposed Motion to Remand (Motion; Doc. 7), filed January 8, 2021. In the Motion, the City requests a remand to the Fourth Judicial Circuit Court in and for Duval County, Florida, pursuant to 28 U.S.C. § 1446(b). See Motion at 1. The City asserts that "the removal was defective" due to the City's "inadvertent failure to obtain the consent of all co-defendants" prior to removal. Id. at 1. According to Defendant's counsel, neither Plaintiff Joseph, Defendant DeSantis, nor Defendant Nelson opposes the City's request for remand. See id. at 2.

Notably, the City suggests that remand is appropriate for the same reason in Carlos Thomas v. Jacksonville Sheriff's Office, et al., Case No. 3:20-cv-1261-J-39MCR. See id. However, the City has not filed a motion to remand in Case No. 3:20-cv-1261-J-39MCR. Therefore, the Court will take no action on the City's suggestion at this time. The parties may file a similar unopposed motion in Case No. 3:20-cv-1261-J-39MCR if they agree to the remand of that case.

In consideration of the foregoing, it is now

ORDERED:

1. Defendant City of Jacksonville's Unopposed Motion to Remand (Doc. 7) is **GRANTED**.

2. The **Clerk** is directed to remand the case back to the Fourth Judicial Circuit Court in and for Duval County, Florida, and to mail a certified

copy of this Order to the Clerk of that court. After remand is effected, the Clerk shall terminate any pending motions and close this case.

DONE AND ORDERED at Jacksonville, Florida, this 19th day of January, 2021.


MARCIA MORALES HOWARD
United States District Judge

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c:

Mathew Joseph, #2020003812

Counsel of Record